

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 1071**

**Introduced by Senator Vincent**

March 11, 2003

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An act to add Section 2403 to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as amended, Vincent. Medical practice exemption.

Existing law, the Moscone-Knox Professional Corporation Act, provides for the formation of a corporation under the General Corporation Law for the purposes of qualifying as a professional corporation that is engaged in rendering professional services in a single profession, and permits a professional corporation to render professional services through persons who are licensed in the profession. Existing law makes a person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for a person without being certified or otherwise authorized to do so, guilty of a crime.

This bill would exempt from the above requirements and prohibitions a person ~~acting as a service in scheduling patients for diagnostic imaging tests as long as the person does not make or interfere with any medical judgment regarding which test or tests a patient will receive~~ *that provides patient scheduling services, as defined, for diagnostic tests, as long as the person does not make or interfere with any medical judgment or the independent review and interpretation of the test results.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2403 is added to the Business and  
2 Professions Code, to read:

3 2403. The provisions of Sections 2052 and 2400, and the  
4 Moscone-Knox Professional Corporation Act (Part 4  
5 (commencing with Section 13400) of Division 3 of Title 1 of the  
6 Corporations Code) do not apply to a person ~~acting as a service in~~  
7 ~~scheduling patients for diagnostic imaging tests from a list of~~  
8 ~~diagnostic imaging testing sites provided by the person, including~~  
9 ~~providing logistical and support services such as diagnostic~~  
10 ~~imaging license and minimum standards maintenance and~~  
11 ~~facilitation of independent physician review of diagnostic imaging~~  
12 ~~test results, as long as the person does not make or interfere with~~  
13 ~~any medical judgment regarding which test or tests a patient will~~  
14 ~~receive.~~ *that provides patient scheduling services for diagnostic*  
15 *tests, including ancillary, logistical, and support services related*  
16 *to patient scheduling services, as long as the person does not make*  
17 *or interfere with any medical judgement or the independent review*  
18 *and interpretation of the test results.*

19 (b) Medical judgement does not mean either of the following:

20 (1) Selecting a provider licensed to provide diagnostic services  
21 in California, unless the physician who requests the scheduling  
22 service requires a specific provider.

23 (2) Selecting equipment, unless the physician who requests the  
24 scheduling services requires specific equipment.

25 (c) "Patient scheduling services" means arranging for  
26 diagnostic tests from a network of diagnostic providers  
27 contracting with the person providing the services, and includes  
28 the following diagnostic tests:

29 (1) X-rays.

30 (2) Magnetic resonance imaging.

31 (3) Computerized axial tomography.

32 (4) Electromyography.

33 (5) Ultrasounds.

34 (6) Nerve conduction studies.

35 (7) General diagnostic imaging services.

- 1     (d) *“Ancillary, logistical, and support services” means all of*  
2 *the following, as long as the person providing the services does not*  
3 *make or interfere with any medical judgments:*  
4     (1) *Billing services.*  
5     (2) *Collection services.*  
6     (3) *Medical record processing.*  
7     (4) *Provider license verification.*  
8     (5) *Minimum standards maintenance.*  
9     (6) *Facilitation of independent physician review of results.*  
10    (7) *Facilitation of pain management referrals.*

